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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,510	04/16/2001	Bernardino De Martino	08379.0002	9133

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EXAMINER

LE, DANG D

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 08/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/807,510

Applicant(s)

DE MARTINO, BERNARDINO

Examiner

Dang D Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Specification***

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
2. The disclosure is objected to because of the following informalities:
  - Page 10, line 9, replace "supprt" with -- support --. Appropriate correction is required.

### ***Claim Objections***

3. Claims 1-11 are objected to because of the following informalities:
  - Claim 1, line 1, insert – An -- before "Anti-deflagrating".
  - Claims 2-11, insert – The – before "Anti-deflagrating".
  - Claims 1-11, line 1, replace "Anti-deflagrating" with -- anti-deflagrating --.Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is not clear what "both components" are in line 3 of the claim.

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Regarding claim 2, it is not clear what “an external protection housing optimally coats apparata contained into the actuator” is and what “perfectly reproducing an outline of all parts contained into the actuator” means.

Regarding claim 3, it is not clear what “a free volume inside the protection housing is kept uniform” is.

Regarding claim 4, it is not clear what “ergonomic positions with reduced encumbrance” means.

Regarding claim 6, it is not clear what “an angular motion transmission being direct” means.

Claim 7 recites the limitation “the housing” in line 3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 8, it is not clear what “PCT” is.

Regarding claim 9, it is not clear what “a housing volume remained free being made uniform by increasing a thickness next to brackets supporting a servomotor or by filling the housing volume with adequately dense material” means.

Regarding claim 10, it is not clear what “(SN) and (DS)” are.

Regarding claim 11, it is not clear what “integrally obtained with a flange through melting in an aluminum alloy shell for casts” means.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Douglas.

Regarding claim 1, Douglas shows an anti-deflagrating operating actuator (see Figure), adapted to operate in an environment with explosion risks, characterized in that both components (15, 20) that are subjected to electric voltage, and a gear reducer (28), and a motion transmission mechanism (29) and/or a mechanism transforming rotary motion into linear motion, are integrally protected against deflagration.

Regarding claim 2, it is noted that Douglas also shows an external protection housing (10) optimally coats apparatus contained into the actuator, perfectly reproducing an outline of all parts contained into the actuator.

Regarding claim 3, it is noted that Douglas also shows a free volume (for the motor and gears) inside the protection housing (10) being kept uniform.

Regarding claim 4, it is noted that Douglas also shows outlets (41) for connecting mechanical parts that transmit mechanical power being placed in ergonomic positions with reduced encumbrance.

Regarding claim 5, it is noted that Douglas also shows outlets (for wires 67, 69) for connecting electric supply and control connections being placed in order not to impair wiring resistance, avoiding to kink and consequently to stretch the wiring.

Regarding claim 6, it is noted that Douglas also shows an angular motion transmission being direct.

Regarding claim 7, it is noted that Douglas also shows an electric connection cable being secured to the housing through a cable-pressing device (68, 81, 82) equipped with a suitable securing and anti-deflagrating operating ring nut (77).

Regarding claim 8, it is noted that Douglas also shows a section of the electric cable that connects the actuator at least up to a first shunting box being contained in a suitable metallic tear-preventing sheath, reinforced with PCT and with a mechanical seal (78).

Regarding claim 9, it is noted that Douglas also shows a housing volume remained free being made uniform by increasing a thickness (near 53) next to brackets (52) supporting a servomotor or by filling the housing volume with adequately dense material.

Regarding claim 10, it is noted that Douglas also shows two threaded couplings (52 left and right) between a cylindrical mantle (10) and respective flanges being realized respectively through a left-handed threading and a right-handed threading.

Regarding claim 11, it is noted that Douglas also shows brackets (52) supporting a servomotor integrally obtained with a flange through melting in an aluminum alloy shell for casts.

***Information on How to Contact USPTO***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL  
August 26, 2002

DL

Long SL